

REMARKS

Status of the Claims

Claims 1-20 are currently pending. Claims 7, 9, and 16 are amended to correct typographical errors. The amendments add no new matter and do not reduce the scope of the respective claims. Applicants acknowledge that claims 3, 6, 7, 15, and 16 are allowed and concur that the subject matter respectively encompassed therein is novel and patentable.

The Rejection Under 35 U.S.C. § 103(a)

(A) Claims 1, 2, 4, 8-14, and 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,053,348 to Morch (*Morch*) in view of U.S. Patent No. 5,997,003 to Turner (*Turner*). Respectfully, this rejection is traversed.

Morch is directed to a pivotable and sealable cap assembly for opening in a large container. The cap assembly consists of a plate (20) pivotally mounted to engage a circular cylindrical skirt (12). Three clamps (14, 16, and 18) are used to secure the plate to the skirt. Spacing of the clamps is described at column 5, lines 20-22. Two of the clamps are fixed to the cap and one clamp is fixed to the skirt. On the lower surface of the plate is an inflatable sealing ring (22) mounted in a circumferential circular track. The sealing ring is inflated to engage and create a seal between the plate and the skirt. A connection plate (24) is fixed to the plate and pivotally mounted to a bolt 26 so that the plate can be moved about a rotational axis. The connection plate is **NOT** telescopically mounted to the bolt. Ball bearings are mounted to the lower surface of the plate and rest against an arcuate feed track (32). As indicated in the figures, the feed track is planar. Thus, as the plate pivots about the axis of the bolt, the plate moves in a single plane and **CANNOT** rise above the skirt.

In sharp contrast, the claimed invention comprises a sealable lid assembly for a manhole of a vessel. The assembly has a flange surrounding the manhole and extending outwardly from the vessel. The flange has a channel. A lid is pivotally and telescopically mounted to a shaft extending outwardly from the vessel proximate the manhole. At least one elongated track extends outwardly from the vessel in a position to engage at least one

wheel rotatably mounted to the lid. The lid rises vertically above the flange as the at least one wheel rides along the at least one track as the lid is pivoted. At least one clamp assembly releasably contracts the lid into sealable engagement with the flange. *Morch* fails to teach or suggest an assembly as claimed that has a lid pivotally and telescopically mounted to a shaft. The assembly of *Morch* has no motivation to have a lid move vertically above a flange. Specifically, *Morch* teaches away from such movement by the inflatable sealing ring. There is no need for the lid to rise vertically above the flange since the ring can be deflated and disengaged from the flange without vertical movement of the lid. Further, in contrast to the claimed invention, *Morch* does not teach or suggest a flange having a channel. Rather, *Morch* places the sealing ring in a circumferential circular track on the lower surface of the lid (plate).

Turner, according to the Office Action, teaches that prior art annular seal assemblies have used a U-shaped section with expander rings (gasket) positioned in the space between the two legs of the ring to, either mechanically or in response to pressure urge the expander ring inwardly of the legs to wedge the legs outward into sealing engagement with the facing cylindrical surfaces to effectively seal across the annulus between such surfaces. The Office Action concludes that it would have been obvious to have modified the flange disclosed by *Morch* to include a U-shaped section disposed on its surface with an expander ring (gasket) positioned in the space between the U-shaped section so that said expander ring (gasket) would seal the U-shaped section. Respectfully, Applicants disagree with this conclusion because *Morch* teaches that his inflatable sealing ring creates a hermetic seal, rendering the alleged teachings of *Turner* redundant and economically inefficient. The teachings of *Turner* would require a second "channel" and a gasket to be placed therein to create a seal against a device that is apparently designed to eliminate a gasket. Thus, one of ordinary skill in the art would not be motivated to employ the teachings of *Turner* with the teachings of *Morch*. Moreover, *Turner*, like *Morch*, fails to teach or suggest an assembly as claimed that has a lid pivotally and telescopically mounted to a shaft. Accordingly, *Turner* fails to remedy the deficiencies of *Morch*.

Further, the Office Action on page 4 states that it would have been an obvious matter of design choice to have configured the rolling mechanism on the lid assembly to allow for the lid rollers to roll over the track having the claimed angle absent a showing by Applicants that specific performance enhancements are achieved. Neither *Morch* nor *Turner* teach or suggest such a track as the claimed invention. Again, *Morch* teaches that the lid must be pivoted in a single plane. Applicants respectfully assert, given the teachings of *Morch* and *Turner*, that the conclusion that a track having the claimed angles is an obvious design choice is based on impermissible hindsight. Applicants respectfully assert that such performance enhancements have been demonstrated to be unobvious in view of specification and the above discussion.

The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *Burlington Indus., Inc. v. Quigg*, 822 F.2d 1581, 1584, 3 U.S.P.Q.2d 1436, 1439 (Fed. Cir. 1987). The prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated one of ordinary skill in the art to modify a reference or to combine references. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Further, the prior art reference or combination of references must teach or suggest all the limitations of the claims. See *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). As explained above, *Morch* and *Turner*, either alone or in combination, fail to teach each and every element of the claimed invention. There is no teaching or suggestion of a sealable lid assembly in the cited references that has a lid pivotally and telescopically mounted to the vessel that moves vertically as it is pivoted in combination with the remaining claimed elements. Accordingly, Applicants respectfully request that the rejection of Claims 1, 2, 4, 8-14, and 17-20 under 35 U.S.C. § 103(a) be withdrawn.

(B) Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morch* in view of *Turner* further in view of U.S. Patent No. 5,551,706 to Barna et al. (*Barna*). Respectfully, this rejection is traversed.

Title: Sealable Lid for Vacuum Distillation Apparatus

Serial No.: 09/545,137

Filed: 04/07/2000

Morch and *Turner* are discussed above and for brevity such discussion is not repeated here. *Barna*, according to the Office Action, discusses gaskets made of PTFE. Assuming *arguendo* that this is correct, *Barna*, in combination with *Morch* and *Turner*, fails to teach each and every element of the claimed invention. Namely, as described above, *Barna*, *Turner*, and/or *Morch*, fail to teach or suggest an assembly as claimed that has a lid pivotally and telescopically mounted to a shaft. Accordingly, *Barna* fails to remedy the deficiencies of *Morch* and *Turner*. Thus, Applicants respectfully request this rejection be withdrawn.

(C) Claims 8 and 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morch* in view of *Turner* further in view of U.S. Patent No. 6,003,461 to Blanchette et al. (*Blanchette*). Respectfully, this rejection is traversed.

Morch and *Turner* are discussed above and for brevity such discussion is not repeated here. *Blanchette*, according to the Office Action, discusses a bulk head door having an insulating foam core. Assuming *arguendo* that this is correct, *Blanchette*, in combination with *Morch* and/or *Turner*, fails to teach each and every element of the claimed invention. Namely, as described above, *Blanchette*, *Turner*, and/or *Morch*, fail to teach or suggest an assembly as claimed that has a lid pivotally and telescopically mounted to a shaft. Accordingly, *Blanchette* fails to remedy the deficiencies of *Morch* and *Turner*. Thus, Applicants respectfully request this rejection be withdrawn.

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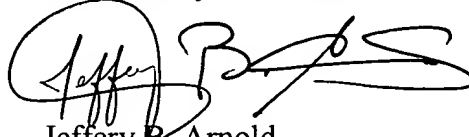
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CONCLUSION

In view of the above remarks, Applicants respectfully assert that the rejections of the claims as set forth in the Office Action have been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and request that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 745-2461 is respectfully requested.

Please charge any additional fees or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffery B. Arnold", is written over a circular stamp or seal.

Jeffery B. Arnold

Reg. No. 39,540

Date: January 20, 2004

OF COUNSEL:

KILPATRICK STOCKTON LLP

Suite 2800

1100 Peachtree Street

Atlanta, Georgia, 30309-4530

404-815-6500

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